

BOARD OF SELECTMEN

August 27, 2013

Minutes

The Board of Selectmen met on Tuesday, August 27, 2013 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Timothy F. Hult, John Gorecki, John D. Williams and Douglas A. G. Stevenson. Town Administrator Timothy D. Goddard was also present. Selectmen Peter Scavongelli was not present.

Also in attendance:

Dennis Regan, NationalGrid

Carl Klein, Village Court

Larry Barton, Finance Director

Community Input

There was no community input this evening.

Public Hearing – Grant of location for gas main on Church Street

Dennis Regan, Permit Representative from NationalGrid was present tonight to ask the Board's permission to install and maintain approximately 526 feet more or less of 2 inch gas main in Church Street from the existing 2 inch gas main at School Street, easterly to Building #145 for a new gas service. He explained that the building at 145 Church Street is requesting gas service. He said in order to provide this service they will have to extend an existing gas main down Church Street. Mr. Regan said right now the service stops at School Street.

In response to Mr. Hult, Mr. Regan said it should take about a week to perform this work. Mr. Hult said this is a street that gets a lot of traffic due to the school buses. He asked Mr. Regan to work with the School and the Police Department at the time of construction. Mr. Regan said if they receive approval from the Board of Selectmen, then prior to the construction they will hold a pre-construction conference with the DPW director to take care of all the issues with the schools.

In reply to Mr. Stevenson, Mr. Regan said the road will stay open during construction. He said the crew normally works from 7:00 a.m. - 3:30 p.m. and he doubted that they will be working on Sunday.

Carl Klein, property manager and maintenance manager at Village Court said that on behalf of Village Court he requested this service. He said they will pay for the installation of the gas main to the facility. He said it will be financially beneficial to Village Court.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to close the Public Hearing.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to approve the requested gas main location on Church Street, Carlisle, MA as described in the July 8, 2013 petition of NationalGrid and to authorize the Chairman to execute the Order for Gas Main Location on behalf of the Board; provided that before beginning the work, NationalGrid shall consult with the Carlisle Police Department on traffic safety issues to insure that Church Street remains open and passable at all times.

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Approved: 9/10/13

Recommendation re: Disposition of 669 Bedford Road

Mr. Goddard said on August 1st the Concord District Court granted a Judgment in favor of the Town for possession of the premises and for money that was outstanding from the Forbearance agreement regarding the property on 669 Bedford Road. Mr. Goddard said he spoke with Marcus Siskind, who operates the studio. Mr. Siskind asked for an extension on the amount of time they had to take their personnel property and equipment from the studio. Mr. Goddard said it would be to our advantage to let them take their belongings, otherwise we would have to store them. Mr. Goddard said Mr. Siskind was allowed to collect his possessions from the building until August 31st in exchange for the amount of money he owed the Town in damages, which was \$4,695.00. On September 1st, Chief Fisher will change the locks on the building.

Mr. Goddard suggested that the Board of Selectmen consider what they would like to do with the property. Mr. Goddard said he and Larry have discussed this matter and they agree that it would be in the Town's best interest to sell the property and the best way to do that would be through a public auction.

Mr. Hult asked for the financial background on the property. Larry said the property is assessed for approximately \$550,000.00. He said as of the date of the foreclosure the Town is owed approximately \$68,000.00 from outstanding real estate and personal property taxes. Larry said there will be one more tax bill of \$9,200.00 and some legal costs for drawing up a new deed, which may bring the total to near \$80,000. Larry suggested selling the property as is and setting a minimum price of \$80,000.00 (plus the auctioneer's fee).

Mr. Hult suggested placing the minimum amount at \$100,000.

In reply to Mr. Williams, Larry described the inside of the building as a series of many small rooms, similar to a recording studio. He said after we change the locks, we could bring groups in to view the property.

In reply to Mr. Stevenson, Larry said the other options were: retain the property, use it for municipal use; or contract a Realtor and list and sell it. Larry said the property is a ½ acre lot.

Larry said the determination tonight is whether we want to put this property into a public sale.

Mr. Hult said we could begin the process of identifying an auctioneer and at the same time ask the other Boards if there is some interest in this property.

The Board decided that at their second meeting in September they will make a final decision on this matter.

Appeals for FEMA Flood Insurance Rate Maps

Mr. Goddard said the Board of Selectmen gave residents a month to make any appeals to them relative to the new FEMA Flood Insurance Rate Maps. He said the deadline to submit the appeals to the Board of Selectmen was last Friday and so far no appeals have been received. Mr. Goddard said the Conservation Commission administrator Sylvia Willard has found several corrections that need to be made on the maps and will report same to FEMA. He noted that the deadline for submitting appeals to FEMA is September 12th. Mr. Hult congratulated Sylvia and the Conservation Commission for helping the residents with this matter.

FY14 Board of Selectmen Goals – Finalize Core Goals/Objectives

Mr. Hult said since the last time the Board met he sent out a draft of the goals and objectives to the Boards and Committees. He said he received positive feedback from the Library, Police Department, Planning Board, Council on Aging, and the Board of Health. Mr. Hult said changes have been made to the goals and objectives because of that input. He said tonight we will review those changes, define the goals by area and talk about the next steps.

Mr. Hult spoke about the Core Objectives and Initiatives. He said in regard to the first initiative, 'Provide Town Meeting with comprehensive clear information to make a decision on potential shared use (with housing, *recreation and schools*) on Banta Davis Land', Planning Administrator George Mansfield suggested broadening the scope by adding recreation and schools.

In terms of the Studies, George also expanded on the last one; Work to define and document the strategic plan *for creating and preserving a range of housing choices including maintaining a stream of affordable housing to meet 40B goals for the Town.*

Mr. Hult spoke about the changes made to the Goals for Focus Areas. He said there was an addition made to one in the Financial area by Mr. Williams. Mr. Williams added *'work to help Town employees maintain the most effective health care possible within the Town's means'*. Mr. Williams said we are looking at the impact on families who are having extraordinary years with medical expenses.

Mr. Hult said in regard to Utilities, he received a lot of feedback from the employees in Town Hall about the HVAC system that has been malfunctioning. He therefore added: *Identify and implement changes to the Town Hall HVAC system that will moderate the temperature, provide healthy air exchange, and save operating costs.*

Mr. Hult asked for the Board's guidance on Housing and Development. He said the Planning Board made several suggested additions in this area. They were: 1) *Review overall strategy relative to the Town's response to potential unplanned 40 B impacts;* 2) *Review Zoning Bylaws to determine if comprehensive amendments may be needed;* and 3) *Assess the need and feasibility of developing a long term master plan.*

Mr. Williams said the Selectmen are doing so much, he would be in favor of crossing out the Master Plan.

Mr. Hult suggested revisiting the Master Plan next year.

Mr. Stevenson said he was fine with not doing the Master Plan, but he would like to review the Zoning Bylaws.

Mr. Hult said he would remove the last one.

Mr. Stevenson asked to add to the second line - *and unplanned 40B impacts*

Mr. Hult said he would complete the final edits and send the finished copy of the core objectives, goals by area and responsibility for each Selectman to all department heads and committee chairman.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to adopt the Core Initiatives and our objectives and studies and our individual assignments as well as our process initiatives and goals for focus areas for FY14 as presented tonight and amended.

Mr. Hult suggested that the Board have two follow-up meetings on the Goals; one in early December and one in February.

New Business

Communications Tower at the School Mr. Hult said as a part of the school building project there will be a new communications tower built at the school. He explained that it will be a tall structure on top of the school. He said the Planning Board has had a discussion over what type of review process would be required for this Tower because it is exempt from the regular review process. The Planning Board is suggesting that it would most likely fit under a site plan review. Mr. Hult said no action needs to be taken right tonight.

Mr. Hult presented a letter he prepared to Representative Cory Atkins and Senator Michael Barrett. He said this letter highlights about eight significant issues where the Board may need their help and support. Mr. Hult said it is important to connect with our representatives periodically. He suggested that the Board may wish to have them attend one of our future meetings. Mr. Hult asked the Board to review the letter and then it will be sent it out.

Town Administrator Report

1. Mr. Goddard said the Town has received a letter from MassDOT announcing that Governor Patrick intends to release an additional \$50million in Chapter 90 funding for FY14. He said Carlisle's allocation is nearly \$260,000, which is approximately the same amount it was in FY13. Mr. Goddard was not sure whether the Governor would release the remaining 25% of Chapter 90 funds this year.

2. Mr. Goddard said the Planning Board Chairman Marc Lamere has sent a memo regarding their intent to hold a public hearing later this fall relative to proposed revisions to the subdivision regulations. He said this is the second part of the revisions to those regulations. Mr. Goddard said when the final draft of the proposed amendments are available he will forward them to the Board.

3. The Carlisle Kids' House has requested permission to hold their 4th annual "Movie on the Commons" on Friday, September 27th from 7:00 p.m. to 9:00 p.m. (rain date October 4th). They have received permission from the First Religious Society and have arranged Police Detail as well for the event.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to grant permission to the Carlisle Kids' House to hold a Move Night on the Town Common on Friday, September 27th from 7:00 p.m. to 9:00 p.m. (rain date of Oct. 4th) with the understanding that they will coordinate with the Town's public safety officials to ensure a safe and enjoyable event for all.

4. Mr. Goddard spoke about HMFH and the tax credits matter. He said HMFH asked the School Building Committee to recommend to the Selectmen that the Town assign certain tax benefits associated with the energy efficient building design to them as the tax deductions are of no use to the Town as a tax exempt entity. He said Town Counsel has reviewed this matter and informed the Board that the tax credits have value and should be negotiated between the individual parties. So far, no decision has been made, and HMFH is reiterating their request. Mr. Goddard said simultaneously there is a small amount of additional work that needs to be done on the project by HMFH as the designers of the project. Mr. Stevenson said there is no value to the Town however there is a general feeling that if we grant HMFH the tax credits, they may perform the remaining work. Mr. Stevenson said a clear agreement has not been reached with HMFH. A change order has not been issued for the additional work.

5. Mr. Goddard said the School Building Committee has reviewed and recommended Change Order #021 with H.V. Collins Co., Inc., the general contractor for the Carlisle School building project. The total amount of the proposed change order is \$258,000.

On a motion made by Mr. Gorecki and seconded by Mr. Williams, it was unanimously **VOTED** that on the recommendation of the School Building Committee; to approve the amendment to the contract with H.V. Collins Co., Inc. in the amount of \$258,000.00 as specified in the attached Change Order #021 as prepared by HMFH Architects.

6. Mr. Goddard said the second change order is Amendment (#4) to the agreement with McPhail Associates, Inc. for Geotechnical Services for the Carlisle School Building Project in the amount of \$2,777.37. Mr. Goddard said the School Building Committee has approved and recommended the Board's approval of this change order.

On a motion made by Mr. Gorecki and seconded by Mr. Stevenson, it was unanimously **VOTED** that upon the recommendation of the School Building Committee, to approve the amended contract with McPhail Associates, Inc. in the amount of \$2,777.37 as specified in attached Amendment #4.

7. Mr. Goddard said the MBTA Advisory Board is requesting that the Town designate a representative to the Board. Mr. Goddard said historically it has been the chairman or his designee. He said the Board may like to consider this appointment.

8. Mr. Goddard said after several meetings with an owner of a lot/new construction on Hanover Road it has been determined that there has been a misunderstanding over the amount of square footage that was stated at the time when the owner applied for the building permit. He explained that that the homeowner paid a fee of \$18,200 based upon a 7000 sq. ft. house at the non- Energy Star rate of \$13.00 per thousand when she should have been charged \$13,512.40 for a 6142 sq. ft. home at the \$11.00/thousand Energy Star rate. Mr. Goddard asked the Board to vote to reduce the fee by \$4,687.60.

Mr. Hult said he has attended a few of these meetings and he concurs with this recommendation with the understanding that the homeowner follows through with the Energy Star program.

On a motion made by Mr. Williams and seconded by Mr. Gorecki, it was unanimously **VOTED** to grant a partial reduction in the building permit fee for 95 Hanover Road from \$18,200.00 to \$13,512.40; a reduction in the amount of \$4,687.60. with the understanding that the homeowner will provide the energy star documentation to the building department to obtain the reduced rate of \$11.00/thousand.

Liaison Reports

Mr. Gorecki gave a report on the FinTeam meeting. He said the Audit field work is complete. He said the Assessor reported that she has reached her goal of \$15million in new growth.

Mr. Gorecki said the School reported that they sold their surplus technology equipment for approximately \$8,000. He said another Kindergarten class may have to be added due to the large enrollment this year.

Mr. Williams said the Housing Trust met on Thursday and they have chosen Abacus & Associates to do the Goff Master Plan for a fixed amount of \$25,000. He said they also approved in draft form a Market and Economic Feasibility Study. Mr. Williams said there will be a kick-off meeting on September 5th at 8:00 a.m.

Mr. Hult reported on the CCHS school building project. He said the steel frame is going up. He added that they are on track with Change Orders.

Mr. Hult spoke about the lawsuit that the Town has received from a family whose child lives in Carlisle, relating to a series of incidents that occurred at the school and other places that represent harassment and bullying of a child. He said the family has submitted a lawsuit that alleges that the school did not re-act in a responsible manner and therefore has filed a civil rights lawsuit against both Towns and the School. He said our insurance company has retained counsel that will represent both Towns and the School District and the individuals named in the suit.

Executive Session

At 8:30 p.m. a motion was made by Mr. Gorecki to go into Executive Session pursuant to MGL Ch. 30A, §21(a) paragraphs (2) and (3) to discuss strategy with respect to bargaining with a non-union employee and litigation as an open session may have a detrimental effect on the Town's bargaining and litigating positions and not to return to open session. The motion was seconded by Mr. Stevenson and the following roll call vote was taken: Hult – aye; Gorecki – aye; Williams – aye; and, Stevenson – aye.

Respectfully submitted by Margaret Arena